



# Southeast Fishery Bulletin

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## FOR IMMEDIATE RELEASE:

July 19, 2002  
NR02-038

### NEW MANAGEMENT MEASURES APPROVED TO ESTABLISH A MORATORIUM ON THE ISSUANCE OF CHARTER VESSEL OR HEADBOAT (FOR-HIRE) PERMITS FOR THE REEF FISH FISHERY AND COASTAL MIGRATORY PELAGICS FISHERY IN FEDERAL WATERS OF THE GULF OF MEXICO

On June 28, 2002, the National Marine Fisheries Service (NOAA Fisheries) published a final rule to implement new management measures submitted by the Gulf of Mexico Fishery Management Council (Council) in Amendment 14 to the Fishery Management Plan for the Coastal Migratory Pelagic Fishery of the South Atlantic and Amendment 20 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico. This news bulletin briefly describes these regulations. For complete details, interested parties should obtain a copy of the final rule by contacting the Southeast Regional Office. Questions regarding permits should be directed to the NOAA Fisheries permits team at **727-570-5326**. The regulations are necessary for the conservation and management of the coastal migratory pelagics and reef fish fisheries of the Gulf of Mexico. Effective date of these regulations is July 29, 2002.

The regulations will establish a 3-year moratorium on the issuance of charter vessel or headboat (for-hire) permits for the reef fish fishery and coastal migratory pelagics fishery (hereafter referred to as Gulf charter vessel/headboat permits) in the exclusive economic zone of the Gulf of Mexico through July 29, 2005. The intended effect of the moratorium is to cap the number of for-hire vessels operating in these respective fisheries at the current level while the Council evaluates the need for further management actions that may be needed to rebuild these fisheries resources, and promote attainment of optimum yield. Also, as a consequence of the moratorium, the current charter vessel/headboat permit for coastal migratory pelagic fish is restructured to provide separate permits for the Gulf of Mexico and South Atlantic.

#### Applicability:

Beginning December 26, 2002, the only valid Gulf charter vessel/headboat permits are those that have been issued under the moratorium criteria described herein. No applications for additional Gulf charter vessel/headboat permits for these fisheries will be accepted. Existing permits will be renewed, and are subject to transferability and timely renewal provisions as described below.

#### Initial Eligibility:

Under the moratorium, initial eligibility for a Gulf charter vessel/headboat permit(s) is limited to the following:

- (1) An owner of a vessel that had a valid Gulf charter vessel/headboat permit(s), or whose application for such permit(s) had been received by NOAA Fisheries, at some time during the period March 29, 2000, through March 29, 2001, and who has such a valid permit(s) on the effective date of the final rule (July 29, 2002);
- (2) Any person who can provide NOAA Fisheries with documentation verifying that, prior to March 29, 2001, he/she had a charter vessel or headboat under construction and that the associated expenditures were at least \$5,000 as of that date. If the vessel owner was constructing the vessel, the vessel owner must provide NOAA Fisheries with receipts for the required expenditures. If the vessel was being constructed by someone other than the owner,

the owner must provide NOAA Fisheries with a copy of the contract and/or receipts for the required expenditures;

- (3) A historical captain, defined for the purposes of this regulation as a person who provides NOAA Fisheries with documentation verifying that:

- (a) Prior to March 29, 2001, he/she was issued either a United States Coast Guard (USCG) Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license and operated, as a captain, a federally permitted charter vessel or headboat in the Gulf reef fish and/or coastal migratory pelagic fisheries that was not permitted in his/her name or the name of a corporation in which he/she was a shareholder and;

- (b) At least 25 percent of his/her earned income was derived from charter vessel or headboat fishing in one of the years 1997, 1998, 1999, or 2000. A person whose eligibility is based on historical captains status will be issued a letter of eligibility by the Regional Administrator (RA). The letter of eligibility may be redeemed through the RA for a Gulf charter vessel/headboat permit, with a historical captain endorsement. The letter of eligibility is valid for the duration of the moratorium; is valid only for a vessel of the same authorized passenger capacity as the vessel used to document earned income; is valid only for the coastal migratory pelagic and/or Gulf reef fish fisheries as certified in the application; and is valid only on a vessel that the historical captain operates as a captain.

#### Determination of Eligibility Based on Permit History:

NOAA Fisheries permit records are the sole basis for determining eligibility based on permit or application history. An owner of a currently permitted vessel who believes he/she meets the permit or application history criterion based on his/hers ownership under a different name or a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership. An owner will not be issued initial Gulf charter vessel/headboat permits under the moratorium in excess of the number of federally permitted charter vessels and/or headboats that he/she owned simultaneously at some time during the period March 29, 2000, through March 29, 2001.

#### General Application Requirements and Procedures:

On or about July 29, 2002, the RA will mail an application for a Gulf charter vessel/headboat permit to each owner of a vessel who, according to NOAA Fisheries' permit records, is eligible based on the permit or application history criterion (Initial Eligibility paragraph 1). The RA will also mail each such owner a notice that his/her existing Gulf charter vessel/headboat permit(s) expire December 26, 2002, and that the new permit(s) required under this moratorium will be required as of that date. An applicant who desires a Gulf charter vessel/headboat permit(s) must submit an application for such permit(s) to the RA postmarked or hand-delivered not later than October 28, 2002.

A person who intends to obtain a Gulf charter vessel/headboat permit(s) based on the vessel under construction eligibility criterion (Initial Eligibility paragraph 2) must request and obtain an application from the RA.

A person who intends to obtain a Gulf charter vessel/headboat permit(s) based on historical captain status (Initial Eligibility paragraph 3) must request and obtain a permit application from the RA.

**Transfer of Permits:**

(1) Permits without a historical captain endorsement:

A Gulf charter vessel/headboat permit(s) that does not have a historical captain endorsement is fully transferrable, with or without the sale of the permitted vessel, except that no transfer is allowed to a vessel with a greater authorized passenger capacity than that of the vessel from which the permit was transferred.

(2) Permits with a historical captain endorsement:

A Gulf charter vessel/headboat permit(s) that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain, cannot be transferred to a vessel with a higher authorized passenger capacity than the vessel from which the permit was transferred, and is not otherwise transferrable.

**Procedures for Permit Transfer:**

To request that the RA transfer a Gulf charter vessel/headboat permit(s), the owner of a vessel that is to receive the transferred permit(s) must complete the transfer information on the reverse side of the permit(s) and return the permit(s) and a completed application for transfer to the RA. **Only those permits newly issued under the moratorium are transferrable.**

**Renewal:**

Starting December 26, 2002, renewal of a Gulf charter vessel/headboat permit(s) is contingent upon the permitted vessel and/or captain, as appropriate, being included in an active survey frame for, and if selected to report, providing the information required in one of the following: NOAA Fisheries Marine Recreational Fishing Vessel Directory Telephone Survey; NOAA Fisheries Southeast Headboat Survey; Texas Parks and Wildlife Marine Recreational Fishing Survey; or a data collection system that replaces one of these surveys.

A Gulf charter vessel/headboat permit(s) that is not renewed or that is revoked will not be reissued during the moratorium. Permits must be renewed within one year of the permit(s) expiration date.

**Requirement to Display a Vessel Decal:**

Upon issuance, renewal, or transfer of a Gulf charter vessel/headboat permit(s) under the moratorium starting December 26, 2002, the RA will issue the owner of the permitted vessel a decal for the applicable fishery or fisheries. This decal must be displayed on the port side of the deckhouse or hull and must be maintained so that it is clearly visible.

**Requirement and Procedure for Obtaining an Initial Charter Vessel/Headboat Permit for South Atlantic**

**Coastal Migratory Pelagic Fish:**

These regulations also restructure the current charter vessel/headboat permit system for coastal migratory pelagic fish to provide separate permits for the Gulf of Mexico and South Atlantic. Formerly, the charter vessel/headboat permit for coastal migratory pelagic fish applied in Federal waters of the South Atlantic and Gulf of Mexico. The establishment of a separate charter vessel/headboat permit for Gulf coastal pelagic fish under the moratorium necessitates that a separate charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish also be established effective December 26, 2002, and that the former charter vessel/headboat permit for coastal migratory pelagic fish (currently applicable in both the Gulf and South Atlantic) be voided as of that date. The newly required charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish is not subject to the provisions of the Gulf charter vessel/headboat permit moratorium.

**Application for and Issuance of an Initial Charter Vessel/Headboat Permit for South Atlantic Coastal Migratory Pelagic Fish:**

(1) Owner of a vessel with a valid charter vessel/headboat permit(s) for coastal migratory pelagic fish:

The RA, based on NOAA Fisheries permit records, will mail an application for an initial charter vessel/headboat permit(s) for South Atlantic coastal migratory pelagic fish to each owner of a vessel with a valid charter vessel/headboat permit(s) for coastal migratory pelagic fish. Any such owner who desires an initial charter vessel/headboat permit(s) for South Atlantic coastal migratory pelagic fish must submit the completed application to the RA. To avoid any lapse in authorization to fish for coastal migratory species in the South Atlantic EEZ (i.e., valid permit status), such owners must submit the completed application to the RA postmarked or hand-delivered not later than September 26, 2002. For completed applications received by that deadline, the RA will issue the permit no later than December 16, 2002. The newly required charter vessel/headboat permit(s) is not subject to the provisions of the moratorium on the Gulf charter vessel/headboat permit.

(2) Owner or Operator of a Vessel Without a Valid Charter Vessel/Headboat Permit for Coastal Migratory Pelagic Fish:

An owner or operator who desires a charter vessel/headboat permit(s) for South Atlantic coastal migratory pelagic fish and who does not have such a permit for South Atlantic coastal migratory pelagic fish must obtain a permit application from the RA.

To obtain considerable recorded information about our missions, services, and management measures, call our toll free public service line at 1-866-570-5301. If the information you need is not available on that line, you can leave us a message and we'll get back to you within one business day.

NOAA Fisheries is an agency of the Commerce Department's National Oceanic and Atmospheric Administration.